

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

vs.

SERGIO RIOS,

Defendant.

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Case#: 1:05-cr-00264-MEF-CSC

MOTION TO CONTINUE TRIAL SETTING

COMES NOW Defendant Sergio Rios, by and through his undersigned attorney and moves this Honorable Court to continue the final trial of this case currently to begin February 13, 2006, as well as the pre-trial deadlines contained in the Court's Order On Arraignment issued December 1, 2005, and as for cause Defendant shows the following:

1. This is a case involving (a) a nine count indictment with an additional criminal forfeiture count; (b) three defendants; (c) multiple wire taps issued and monitored over a period of several years; and (d) involving acts allegedly committed in several cities, two states and possibly one foreign country.

2. The issues involved in this case are complex and the witnesses numerous. Defendant Rios, as well as several witnesses who will need to be interviewed, are not fluent in the English language, further complicating the investigation and preparation of the case for trial.

3. The amount of discovery already produced by the Government is voluminous, and counsel for Defendant will not have time to study, analyze and further develop the existing evidence nor to determine the need for further discovery nor defensive motions without an

extension of the pre-trial as well as trial deadlines.

4. Defendant Rios has previously signed and filed a waiver of speedy trial and fully understands a continuance will necessitate his further confinement prior to a final adjudication of this case.

5. The interests of justice, the right of a criminal defendant to present an adequate defense, and the right to effective assistance of counsel will all be promoted by this Honorable Court granting this motion to continue.

6. Counsel for the United States Government has been consulted regarding the substance of this motion and has not interposed an objection.

WHEREFORE, Defendant moves the Court for the following relief:

A. An extension of the pre-trial conferences and deadlines contained in the Court's Order On Arraignment issued December 1, 2005;

B. An Order continuing the final trial of this matter for a period of time sufficient to allow Defendant to commence trial fully prepared and adequately represented;

C. An Order granting such other, further or different relief as the Court deems appropriate in the premises and such as will promote the ends of justice.

Respectfully submitted,

s/ Derek E. Yarbrough
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Case#: 1:05-cr-264-MEF-CSC

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2005, a Motion To Continue Trial Setting was filed on behalf of Defendant Sergio Rios with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and a copy has been mailed by United States Postal Service to the following non-CM/ECF participants: None

s/ Derek E. Yarbrough
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